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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,749 11/29/2001		Hideki Kobayashi	TSL1685 3709	
137	7590 02/20/2003			
	NING CORPORATION LZBURG ROAD	EXAMINER		
P.O. BOX 99		MOORE, MARGARET G		
MIDLAND,	MI 48686-0994	ART UNIT	PAPER NUMBER	
			1712	6
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Application No.   Applicant(s)			· · · · · · · · · · · · · · · · · · ·		112			
Examiner  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estension of time may be available under the provisions of 37 CPR 1.05(e), in no event, however, may a reply be timely filed  If the period for reply specified above, the maximum databox primiting the statutory minimum of timiny (30) days will be considered timely.  If the period for reply specified above, the maximum databox primiting above of the control of the period of the communication.  If the period for reply specified above, the maximum databox primiting above of the control of the period of the communication.  If the period for reply specified above, the maximum databox primiting above of the communication.  If the period for reply specified above, the maximum databox primiting above of the communication.  If the period for reply specified above, the maximum databox primiting above of the communication.  If the period for reply specified above, the maximum databox primiting above of the communication.  If the period for reply specified above, the maximum databox primiting above of the communication.  If the period for reply specified above, the maximum databox primiting above of the communication.  Any reply second by the CEIL data than the maximum databox primiting above of the communication.  Any reply second by the CEIL data than the maximum databox primiting above of the communication.  Any reply second by the CEIL data than the maximum databox primiting above databox.  This action is FINAL.  Databox the maximum databox primiting above databox primiting above databox.  This action is primiting abov	Office Action Summary		Application No.	Applicant(s)	1			
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Exhancing of time-may be available under the provisionary 3778 (1.356). In no event, however, may a reply be timely filed  - Exhancing of time-may be available under the provisionary 3778 (1.356). In no event, however, may a reply be timely filed  - Exhancing of time-may be available under the provisionary 3778 (1.356). In no event, however, may a reply be timely filed  - Exhancing of time-may be available under the provisionary 3789 (1.356). In order, however, may a reply be timely filed  - Exhancing of the provisional state that the three hordings of the provisional application of the provisional state of the provisional application and/or election requirement.  - Application Papers  - Priority under 35 U.S.C. § 119 and 120  - The oath or declaration is objected to by the Examiner.  - Priority under 35 U.S.C. § 119 and 120  - The proposed drawing correction filed on	.—		, -	i i				
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Application/Control Number: 09/997,749

Art Unit: 1712

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 to 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi et al. in view of Hartmann et al. and/or GB 2 001 303 A.

First the Examiner would like to note that she inadvertently included only claims 1 to 17 in the original rejection. However since claims 1 to 20 were noted as being rejected on the cover sheet of the office action, and since the office action did not indicate any allowable subject matter for claims 18 to 20, it is clear that the omission of claims 18 to 20 in the rejection was an obvious oversight. The Examiner also notes that applicants' response only addresses claims 1 to 17 are pending; applicants committed the same obvious oversight.

This rejection is maintained for reasons of record. Applicants' traversal is not persuasive of any unobviousness. Applicants state that the purposes and compositions of the present invention and Adachi et al. are different. The Examiner agrees that the compositions are different; if they were not different an anticipation rejection would have been made. With regards to the purpose of Adachi, the Examiner notes that a prima facie case of obviousness (for a composition) does not require the solution of the same problem or recognition of the same advantages as the applicants invention.

Applicants also state that there is no teaching or suggestion in Adachi et al. as to including a silica meeting the requirements of the instant claims. However, as noted in the previous office action, the secondary references provide teachings of benefits and improvements that would lead one having ordinary skill in the art to use a silica such as that claimed in the composition of Adachi et al. Again the prior art need not teach that the silica would be useful in providing the properties achieved by the present invention.

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3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret G. Moore whose telephone number is 703-308-4334. The examiner can normally be reached on Mon., Wed., Thurs. and Friday, 10am to 4pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on 703-308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9311 for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Margaret G. Moore Primary Examiner Art Unit 712

mgm February 14, 2003